

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEPHEN SCHUTTER : CIVIL ACTION
: Plaintiff :
: :
: v. : NO. 07-3823
: :
DAVID HERSKOWITZ and :
PHILIP BANKS :
: :
: Defendants :
:

NOTICE

On December 5, 2008 this Court received a communication (which we have attached) from Defendant Philip Banks ("Banks") via fax addressed to our Deputy Clerk, Lori DiSanti. The communication was not filed with the Clerk of this Court and does not appear to have been forwarded to counsel for Plaintiff Stephen Schutter, counsel for Respondent Frank J. Marcone, Esquire, or even Banks's own counsel. It is an improper *ex parte* communication with the Court, and one which we are free to, and indeed do, ignore. Both the trial and Show Cause hearing scheduled for December 10, 2008 and commencing at 9:30 a.m. shall proceed as scheduled.

BY THE COURT:



DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE

12-8-08

Hard Copies served by Chambers upon:

Charles Curley, Esq.	Samuel Stretton, Esq.
James Loots, Esq.	Jay Herskowitz, Esq.
Kelle Kilgariff, Esq.	Frank Marcone, Esq.
Michael Yanoff, Esq.	Philip Banks

From: postmaster@comcast.net (Webmail Postmaster)
To: pjbanksrealestate@comcast.net
Subject: Returned mail: User unknown
Date: Thursday, December 04, 2008 9:01:21 PM

The following addresses had fatal errors:

lori_disanti@paed.uscourts.com: 550 5.1.1 <lori_disanti@paed.uscourts.com>
recipient invalid domain

Attached Message

From: pjbanksrealestate@comcast.net [Save Address]
To: lori_disanti@paed.uscourts.com
Date: Fri, 05 Dec 2008 02:01:16 +0000

Ms. Disanti,

I have spoken to Dr. Shukla at length this evening. She stated that I should not be put under stress for four to six weeks and that she made that point clear to whomever she spoke in your office. She also said that I should not be at trial. Further, she indicated that I should finish this series of Vestibular Therapy before I participate in any legal action. I do not know yet what Vestibular Therapy is, but I'm sure that I will find out. I will attempt to obtain a letter from her to confirm our conversation, which I will forward to Mr. Yanoff, to send to His Honor.

Philip Banks

Dear Ms. Disanti,

I have tried three times to E-mail this message, without success. Consequently, I am sending it by Fax,

Philip Banks